

EXHIBIT A

TO THE

MEMORANDUM ON POTENTIAL CONFLICT ISSUES

A Note On The Virginia Ballot

As I noted above, it now appears that the only two candidates that will be on Virginia's ballot on March 6th: Governor Mitt Romney and Congressman Ron Paul. While I'm glad for them, it screams out for making our ballot more accessible.

I have had the opportunity to talk to a number of the candidates and their campaigns in the last month or so, and the Bachmann folks tell me that Virginia is the third hardest ballot access state in the country. I personally don't think that's a good thing.

To get on the ballot, a presidential candidate has to collect 10,000 legitimate signatures across Virginia – county by county and city by city – with at least 400 legitimate signatures in each congressional district. Virginia's State Board of Elections recommends that campaigns come in with over 15,000 signatures, including over 700 from each congressional district given what a high proportion of signatures typically fail some requirement or another.

I would throw out for consideration that we should lower our requirements to 100 legitimate signatures per congressional district.

Let's face it, absent a serious write-in challenge from some other candidate, Virginia won't be nearly as 'fought over' as it should be in the midst of such a wide open nomination contest. Our own laws have reduced our relevance. Sad.

I hope our new GOP majorities will fix this problem so that neither party confronts it again. I for one would like Virginia to be heard from in our nomination process, and I'm sure you would too.

EXHIBIT B

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Richmond Times-Dispatch

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VIRGINIA POLITICS BLOG

Cuccinelli urges ballot change after GOP presidential primary issue



December 26, 2011

BY WESLEY P. HESTER

In the latest edition of his e-newsletter, The Cuccinelli Compass, Virginia Attorney General Ken Cuccinelli suggests a change in Virginia law to relax requirements for candidates seeking to make the ballot in the state for presidential primaries.

Cuccinelli's suggestion comes days after former House Speaker Newt Gingrich, the Republican presidential front-runner in the state, failed to make the March 6 primary ballot, as did Texas Gov. Rick Perry. In fact only two candidates did qualify: former Massachusetts Gov. Mitt Romney and Rep. Ron Paul, R-Texas.

Virginia requires candidates to obtain 10,000 verified signatures from registered voters across the state, including 400 from each Congressional district.

Instead, Cuccinelli, who recently announced he will seek the governorship in 2013, proposes 100 legitimate signatures per congressional district.

"Let's face it; absent a serious write-in challenge from some other candidate, Virginia won't be nearly as 'fought over' as it should be in the midst of such a wide open nomination contest. Our own laws have reduced our relevance. Sad," he writes.

And currently, state law prohibits even the possibility of a write-in challenge.

On Christmas, Gingrich expressed hope that the legislature would change that law prior to the March 6 primary, saying: "If something's wrong, they ought to fix it."

The change is unlikely, however, as it would require the legislature to enact emergency legislation immediately upon convening next month, requiring a supermajority.

Regardless, Cuccinelli said he hopes the issue will be addressed.

"I hope our new GOP majorities will fix this problem so that neither party confronts it again. I for one would like Virginia to be heard from in our nomination process, and I'm sure you would too," he wrote.

Cuccinelli also offered analysis of the Fox News presidential debate that he participated in earlier this month, asking questions of candidates.

He said Rick Santorum performed the strongest while Newt Gingrich and Mitt Romney "underperformed, at least relative to the high expectations people have developed of both of them."

EXHIBIT C

TO THE

MEMORANDUM ON POTENTIAL CONFLICT ISSUES

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FOR IMMEDIATE RELEASE

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**Cuccinelli reconsiders his call to change ballot
access law for Virginia's March primary**

- AG supports changes to law for future elections only -

RICHMOND, VA (January 1, 2012) -- Statement from Attorney General Ken Cuccinelli on changing Virginia's ballot access law for the March primary:

"I obviously feel very strongly that Virginia needs to change its ballot access requirements for our statewide elections. However, after working through different scenarios with Republican and Democratic leaders to attempt to make changes in time for the 2012 Presidential election, my concern grows that we cannot find a way to make such changes fair to the Romney and Paul campaigns that qualified even with Virginia's burdensome system. A further critical factor that I must consider is that changing the rules midstream is inconsistent with respecting and preserving the rule of law - something I am particularly sensitive to as Virginia's attorney general.

"My intentions have never focused on which candidates would be benefited or harmed, rather I have focused on what is best for Virginia's citizens, as hundreds of thousands of Virginians who should have been able to make their choices among the full field of presidential primary contenders have had their number of choices reduced significantly.

"My primary responsibility is to the people of Virginia, and how best to fulfill that responsibility in these particular circumstances has been a very difficult question for me. I believe consistency on the part of public officials is an important attribute. And I believe that Virginians are best served by an attorney general who consistently supports the rule of law. That leads to my conclusion that while I will vigorously support efforts to reduce the hurdles to ballot access in Virginia for all candidates, I will not support efforts to apply such changes to the 2012 Presidential election.

"I do not change position on issues of public policy often or lightly. But when convinced that my position is wrong, I think it necessary to concede as much and adjust accordingly."

More about Attorney General Cuccinelli

Photos of the attorney general

A copy of this news release may be found on the attorney general's web site [here](#).

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EXHIBIT D

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Cuccinelli forced to defend Virginia ballot rules he denounced

By: Steve Contorno | 12/29/11 8:09 PM

Examiner Staff Writer | Follow On Twitter @Scontorno

Just days after denouncing Virginia's ballot requirements as unfair, state Attorney General Ken Cuccinelli on Thursday vowed to defend those same ballot requirements against a legal challenge from Republican presidential contender Rick Perry.

An attorney from Cuccinelli's office argued on behalf of the state Thursday during a preliminary hearing on Perry's lawsuit in U.S. District Court in Richmond. The Texas governor, who failed to collect enough signatures to make Virginia's presidential primary ballot, claims the ballot qualifications are unconstitutional.

Related Coverage

• More news from Virginia

A judge set a hearing for Jan. 13 to decide whether to block the state from mailing out absentee ballots Jan. 21 without Perry's name on them.

Virginia Republicans announced last week that two of the four Republican candidates trying to get on Virginia's March 6 ballot failed. Cuccinelli was quick to respond to the announcement, writing to supporters on Monday that the process he now must defend "screams out for making our ballot more accessible." He called on lawmakers to reduce the number of signatures candidates need to qualify.

Statewide candidates must collect 10,000 signatures from registered voters, a threshold only former Massachusetts Gov. Mitt Romney and Rep. Ron Paul met.

With the possibility of a drawn-out nomination fight, Virginia has become a focal point of the Super Tuesday primary. But Cuccinelli said having only two candidates on the ballot would reduce Virginia's importance to the race.

"Virginia won't be nearly as 'fought over' as it should be in the midst of such a wide open nomination contest," Cuccinelli wrote to supporters. "Our own laws have reduced our relevance."

But as the state's top attorney, Cuccinelli, a Tea Party Republican who questions Romney's conservative credentials, now must defend the very statutes he decries.

"We will be responding in accordance with the court's schedule and will mount a vigorous defense of Virginia's election law," Cuccinelli spokeswoman Caroline Gibson said Thursday.

Former House Speaker Newt Gingrich also failed to make Virginia's ballot. He claimed people hired by his campaign to collect signatures submitted fraudulent names, but he hasn't said whether he will sue to get on the ballot.

Three other candidates - Rep. Michele Bachmann, former Utah Gov. Jon Huntsman and former Sen. Rick Santorum - didn't even try to get on Virginia's ballot.

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URL: <http://washingtonexaminer.com/local/virginia/2011/12/cuccinelli-forced-defend-va-ballot-rules-he-denounced/2045611>

EXHIBIT E

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MEMORANDUM ON POTENTIAL CONFLICT ISSUES



COMMONWEALTH of VIRGINIA
STATE BOARD OF ELECTIONS

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Donald L. Palmer
Secretary

Kimberly T. Bowers
Vice-Chair

Justin Riemer
Deputy Secretary

January 3, 2012

To the extent that public comments by the Attorney General raise any question of a conflict of interest, we the undersigned, Charles Judd, Kimberly Bowers and Don Palmer, in our official capacities as members of the State Board of Elections, hereby waive any such conflict.

A handwritten signature in black ink, appearing to read "Charles E. Judd".

Charles E. Judd
Chairman
Virginia State Board of Elections

A handwritten signature in black ink, appearing to read "Kimberly Bowers".

Kimberly Bowers
Vice-Chair
Virginia State Board of Elections

A handwritten signature in blue ink, appearing to read "Donald L. Palmer".

Donald L. Palmer
Secretary
Virginia State Board of Elections